



#18 ~~for~~ ^{for}
of 302

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: D. MESSERLI et al.

Application No.: 09/497,123

Group Art Unit: 3738

Filed: February 3, 2000

Examiner: B. Pellegrino

For: END MEMBER FOR A BONE FUSION IMPLANT

Attorney Docket No.: 8932-114-999

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Assistant Commissioner for Patents

Box AF

Washington, D.C. 20231

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated October 26, 2001 of the Primary Examiner finally rejecting claims 1, 2, 7, 9, 14, 15, and 17-19 of the above-identified application.

The item(s) checked below are appropriate:

1. An extension of time for responding to the final rejection for 2 month(s):
 was filed on
 is submitted herewith.
2. A timely response to the final rejection has been filed.
3. A fee in the amount of \$320.00 is:
 Required.
 Not required (Fee paid in prior appeal).
4. Applicant has qualified for the 50% reduction in fee for an independent inventor, non profit organization or small business concern and a fee in the amount of \$160.00 is:
 Required.
 Not required (Fee paid in prior appeal).

03/27/2002 SSITHIB1 00000125 161150 09497123

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5. Please charge the required fee, if any, to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Brian M. Poissant
For: Brian M. Poissant

Brian J. Malm Reg. No. 44,895
For: Brian M. Poissant Reg. No. 28,462

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Date March 26, 2002